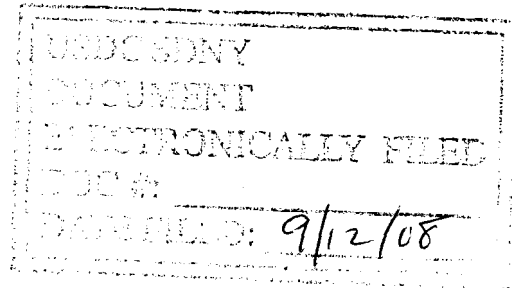


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
STEVEN ROBINSON,

Petitioner,

-against-

LEO PAYANT,

Respondent.
-----X

:
:
: 07 Civ. 9467 (HB) (DF)

: **ORDER**

DEBRA FREEMAN, United States Magistrate Judge:

In the above-captioned habeas corpus proceeding, Respondent Leo Payant ("Respondent") has filed a motion (Dkt. 7) to dismiss the petition pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 2244(d)(1). The Court directs that the Clerk of the Court terminate this motion on the Docket, as, in the habeas context, the Court will simply construe Respondent's motion as an opposition to the petition, and will address it in that manner.

Dated: New York, New York
September 12, 2008

SO ORDERED



DEBRA FREEMAN
United States Magistrate Judge

9-12-08
United States Magistrate Judge Freeman

Copies to:

Mr. Stevenson Robinson
00-A-3013
Mohawk Correctional Facility
P.O. Box 8451
6100 School Road
Rome, New York 13440

Christopher J. Blira-Koessler, Esq.
Assistant District Attorney, Bronx County
198 East 161st Street
Bronx, New York 10451